

MICHIGAN PROBATE JUDGES ASSOCIATION

**STATEMENT FOR THE HOUSE JUDICIARY COMMITTEE
RE: HB 4947-HB 4966
ON BEHALF OF THE MICHIGAN PROBATE JUDGES ASSOCIATION
December 1, 2015**

This statement is being submitted on behalf of the Michigan Probate Judges Association (MPJA), regarding HBs 4947-4966, which seek to reduce the number of youth in Michigan prisons by, among other things, raising the jurisdictional age of juveniles from 17 to 18 years old. MPJA thanks Representative Santana and his staff for their efforts to solicit feedback on these proposals as they were being drafted.

Philosophically, MPJA agrees that raising the jurisdictional age of youth makes sense for several reasons. However, it is not persuaded that the change will make much difference in the number of youth serving time in prison or jail. The Michigan Department of Corrections released information for 2013, which indicated that of the 663 17-year olds under its jurisdiction, 14 were in prison (2%) and 33 (4%) were serving jail time. These youth are, likely, the most serious offenders and would probably be serving these same sentences regardless of the jurisdiction age since they could be waived or designated into the adult system. .

Although this package has merit, from a practical perspective, there are several barriers to accomplishing this change. The most pressing problem would be a significant increase in Child Care Fund expenditures. Raising the age of jurisdiction to 18 will force counties to spend

millions of additional dollars. Failure to include the additional necessary monies could bankrupt the counties and financially strain the State. Taking care of the funding issue is a must before this package can responsibly advance.

This package contains language which sets forth certain factors for the court to consider when sentencing youth who have been waived or designated into the adult system. It is important that any changes to this language do not constrain a court's discretion as to the weight each factor can be given. There are other related statutes and court rules, not covered by this package, that define "juvenile" by age. For example, MCL764.1f authorizes a prosecutor to directly charge a juvenile as an adult under certain circumstances. The statute identifies a juvenile as a youth 14 years or older but less than 17 years old. Statutes, such as this, would have to be amended to reflect changes made by these bills.

Another consequence of the changes would be the elimination of the Holmes Youthful Trainee Act and 7411 options for 17 year olds. Unfortunately, these diversion alternatives are not available to any juveniles. MPJA would support the eligibility of these programs for all juveniles; however, that proposal is not before the Committee today. Additionally, for youth that require out-of-home placement, courts would have fewer in-state options because many of Michigan's detention centers and residential facilities do not accept 17 year olds. This limitation could result in expenses for counties to build new facilities, or it could force courts to send youth out-of-state.

Finally, there are some programming challenges. The goal of the juvenile system is to rehabilitate the offenders. Currently, courts can maintain jurisdiction over juveniles only until they reach 19 years old. By raising the jurisdictional age, situations will occur where courts will have very little time to work with the youth who come into the juvenile system at 17, and resources may be disproportionately allocated to these older offenders. The programming challenges are not insurmountable; however, most courts agree that some transitional period may be appropriate to adapt programming approaches.

As always, MPJA appreciates the opportunity to weigh in on issues impacting the responsibilities of its members and looks forward to working with the Committee on these proposals in the weeks ahead.

